

Appln No. 10/776,073  
Amdt date July 12, 2005  
Reply to Office action of April 21, 2005

#### REMARKS/ARGUMENTS

Applicant addresses each point raised by the Examiner in the April 21, 2005 Office action as follows:

##### Drawings

The Examiner objected to the drawings, alleging that the drawings do not show the plate-shaped design element recited in claim 14. The Examiner based these objections on the allegation that plates are usually circular or disc-shaped. Applicant respectfully submits that the term "plate" does not necessarily carry this connotation. For example, according to one dictionary definition, a plate is a "smooth, flat, relatively thin, rigid body of uniform thickness" (see the URL [education.yahoo.com/reference/dictionary/entry/plate](http://education.yahoo.com/reference/dictionary/entry/plate)). Under this definition, a plate is not necessarily circular or disc-shaped. At least for the reasons explained, Applicant respectfully requests that the objections be withdrawn.

##### Specification

The Examiner objected to the title of the invention as allegedly being not descriptive. Applicant has amended the title to overcome the objection.

##### Claim Objections

The Examiner objected to claims 16 and 17. Applicant has amended claims 16 and 17 to remove the informalities noted by the Examiner. Therefore, Applicant respectfully requests that the objections to claims 16 and 17 be withdrawn.

Appln No. 10/776,073  
Amdt date July 12, 2005  
Reply to Office action of April 21, 2005

Claim Rejections Under 35 USC § 102

The Examiner rejected claims 1, 2, 4, 12 and 14 under 35 U.S.C. § 102(b) as being allegedly anticipated by Reynolds et al., U.S. Patent No. 4,316,637. Applicant has amended claim 1 to overcome this rejection.

As amended, claim 1 recites "at least one design element...extending over only a circumferential subsection of the base design" and that "the at least one design element is removably attached to the outer peripheral portion of the wheel blank." As shown in FIG. 2, Reynolds discloses a cast aluminum insert 3 that extends over the entire circumference of the aluminum base wheel 2. Thus, Reynolds does not disclose that the insert extends over only a circumferential subsection of the base wheel. Furthermore, Reynolds discloses permanently mounting the insert onto the base wheel (see Col. 2, lines 15-17). Thus, Reynolds teaches away from removably attaching the insert to the base wheel. At least because Reynolds does not disclose the noted features, Applicant respectfully requests that the rejection of claim 1 be withdrawn. Applicant respectfully requests that, at least by virtue of their dependency from claim 1, the rejection of claims 2, 4, 12 and 14 also be withdrawn.

The Examiner rejected claims 1-5, 8, 9 and 12-17 under 35 U.S.C. § 102(b) as being allegedly anticipated by Carlson, U.S. Patent No. 4,645,268. Each of these rejections has been either overcome by claim amendment or rendered moot by claim cancellation.

Appln No. 10/776,073

Amdt date July 12, 2005

Reply to Office action of April 21, 2005

As amended, claim 1 recites "at least one design element...extending over only a circumferential subsection of the base design" and that "the at least one design element is removably attached to the outer peripheral portion of the wheel blank." As shown in FIG. 1, Carlson discloses a cap 34 that extends over the entire circumference of the inner hub end 26 of the disc 18 and over the entire circumference of the outer rim end 28 of the disc. Thus, Carlson does not disclose that the cap extends over only a circumferential subsection either of the inner hub end or of the outer rim end. Furthermore, as shown by FIGS. 1 and 2, Carlson discloses securing the cap to the disc via holes 16 in the center load support position 12 of the wheel or via aligned openings 38 and 40 (see Col. 2, lines 52-58). Because neither the holes nor the aligned openings are at or near the outer rim end, Carlson does not disclose that the cap is attached to the outer peripheral portion of the disc. At least because Carlson does not disclose the noted features, Applicant respectfully requests that the rejection of claim 1 be withdrawn. Applicant respectfully requests that, at least by virtue of their dependency from claim 1, the rejection of claims 2, 4, 5, 8, 9 and 12-14 also be withdrawn.

At least because of the reasons explained above with respect to claim 1, Applicant respectfully requests that the rejection of claims 16-17, as amended herein, be withdrawn.

The Examiner rejected claims 1, 2, 5-9 and 14-17 under 35 U.S.C. § 102(b) as being allegedly anticipated by Ferriss et al., U.S. Patent No. 5,820,225. Each of these rejections has

Appln No. 10/776,073

Amdt date July 12, 2005

Reply to Office action of April 21, 2005

been either overcome by claim amendment or rendered moot by claim cancellation.

As amended, claim 1 recites "at least one design element...extending over only a circumferential subsection of the base design[.]" Ferriss discloses that each of the applique 40 and the insert member 50 has both an annular inner portion and an annular outer portion (see Col. 2, lines 14-16 and 19-21). As shown in FIG. 3, Ferriss discloses that each of the applique and the insert member extends over the entire circumference of the rim 14. Thus, Ferriss does not disclose that either the applique or the insert member extends over only a circumferential subsection of the rim. At least because Ferriss does not disclose the noted feature, Applicant respectfully requests that the rejection of claim 1 be withdrawn. Applicant respectfully requests that, at least by virtue of their dependency from claim 1, the rejection of claims 2, 5-9 and 14 also be withdrawn.

At least because of the reasons explained above with respect to claim 1, Applicant respectfully requests that the rejection of claims 16-17, as amended herein, be withdrawn.

The Examiner rejected claims 1, 2, 4, 9 and 14-17 under 35 U.S.C. § 102(b) as being allegedly anticipated by Yoshida, U.S. Patent No. 4,818,030. Each of these rejections has been either overcome by claim amendment or rendered moot by claim cancellation.

As amended, claim 1 recites "at least one design element...extending over only a circumferential subsection of the base design[.]" As shown in FIG. 1, Yoshida discloses that

Appln No. 10/776,073

Amdt date July 12, 2005

Reply to Office action of April 21, 2005

the first cover 30 extends over the entire circumference of the wheel. Thus, Yoshida does not disclose that the first cover extends over only a circumferential subsection of the wheel. At least because Yoshida does not disclose the noted feature, Applicant respectfully requests that the rejection of claim 1 be withdrawn. Applicant respectfully requests that, at least by virtue of their dependency from claim 1, the rejection of claims 2, 4, 9 and 14 also be withdrawn.

At least because of the reasons explained above with respect to claim 1, Applicant respectfully requests that the rejection of claims 16-17, as amended herein, be withdrawn.

The Examiner rejected claims 1-3, 5-9 and 15-17 under 35 U.S.C. § 102(b) as being allegedly anticipated by Modurkay, U.S. Patent No. 4,135,229. Each of these rejections has been either overcome by claim amendment or rendered moot by claim cancellation.

As amended, claim 1 recites that "the at least one design element is removably attached to the outer peripheral portion of the wheel blank." As shown in FIG. 1, Modurkay discloses that the housing 18 is clamped to the spokes 13 of the wheel (see Col. 2, lines 43-44). Modurkay does not disclose clamping the housing at the rim 12. Thus, Modurkay does not disclose that the housing is attached to the outer peripheral portion of the wheel. At least because Modurkay does not disclose the noted feature, Applicant respectfully requests that the rejection of claim 1 be withdrawn. Applicant respectfully requests that, at least by virtue of their dependency from claim 1, the rejections of claims 2 and 5-9 also be withdrawn.

Appln No. 10/776,073

Amdt date July 12, 2005

Reply to Office action of April 21, 2005

At least because of the reasons explained above with respect to claim 1, Applicant respectfully requests that the rejection of claims 16-17, as amended herein, be withdrawn.

The Examiner rejected claims 1-3, 5, 13, 15 and 17 under 35 U.S.C. § 102(b) as being allegedly anticipated by Farr, U.S. Patent No. 1,950,082. Each of these rejections has been either overcome by claim amendment or rendered moot by claim cancellation.

As amended, claim 1 recites "at least one design element different in configuration from the base design" and that the at least one design element is "attached to the outer peripheral portion of the wheel blank." Farr discloses channel-shaped shrouds 14 that are configured to tightly grip the spokes 13 of a wheel (see lines 67-74). Although the shrouds do not need to conform exactly to the contour of the spokes (see lines 74-77), they must conform to a sufficient degree to tightly grip the spokes in order to keep the spokes clean and free of moisture (see lines 7-16). Thus, Farr does not disclose a design element that is different in configuration from the base design. Furthermore, Farr discloses attaching the shrouds at the ends of the spokes, but Farr does not disclose attaching the shrouds at any part of the rim 12 (see lines 85-103). Moreover, Farr discloses attaching the shrouds on the spokes before completing assembly of the spokes with the rim (see lines 104-107). Thus, Farr does not disclose that the shrouds are attached to the outer peripheral portion of the wheel. At least because Farr does not disclose the noted features, Applicant respectfully requests that the rejection of claim 1 be withdrawn. Applicant

Appln No. 10/776,073

Amdt date July 12, 2005

Reply to Office action of April 21, 2005

respectfully requests that, at least by virtue of their dependency from claim 1, the rejections of claims 2, 5 and 13 also be withdrawn.

At least because of the reasons explained above with respect to claim 1, Applicant respectfully requests that the rejection of claim 17, as amended herein, be withdrawn.

The Examiner rejected claims 1, 2, 5, 9, 13 and 15-17 under 35 U.S.C. § 102(b) as being allegedly anticipated by Purdie, U.S. Patent No. 1,729,895. Each of these rejections has been either overcome by claim amendment or rendered moot by claim cancellation.

As amended, claim 1 recites that the at least one design element is "attached to the outer peripheral portion of the wheel blank." Purdie discloses inserting the angular member at the angle between the spokes of a wheel (see lines 15-17). As shown in FIGS. 1 and 2, the ends 9 of the legs 7 of the angular member are attached on the spokes away from the outer peripheral portion of the wheel, which is not shown in either FIG. 1 or FIG. 2. Thus, Purdie does not disclose that the angular member is attached to the outer peripheral portion of the wheel. At least because Purdie does not disclose the noted feature, Applicant respectfully requests that the rejection of claim 1 be withdrawn. Applicant respectfully requests that, at least by virtue of their dependency from claim 1, the rejections of claims 2, 5, 9 and 13 also be withdrawn.

At least because of the reasons explained above with respect to claim 1, Applicant respectfully requests that the rejection of claims 16-17, as amended herein, be withdrawn.

Appln No. 10/776,073

Amdt date July 12, 2005

Reply to Office action of April 21, 2005

Claim Rejections Under 35 USC § 103

The Examiner rejected claims 10 and 11 as allegedly being unpatentable under 35 U.S.C. § 103(a) over Carlson. Although the general use of adhesives and threadlockers may be known, Applicant disagrees that it is well known to use either adhesives or threadlockers to removably attach at least one design element to a wheel blank by screws. In addition, it is not obvious to one skilled in the art which of either adhesives or threadlockers should be chosen over the other in this context. Therefore, Applicant believes that claims 10 and 11 are patentable over Carlson.

Furthermore, both claims 10 and 11 depend from claim 1, which recites "at least one design element...extending over only a circumferential subsection of the base design" and that "the at least one design element is removably attached to the outer peripheral portion of the wheel blank." As explained previously, Carlson does not disclose the noted features. At least because neither Carlson nor any known art cited by the Examiner teaches the noted features of claim 1, Applicant submits that a *prima facie* case of obviousness under the provisions of 35 U.S.C. § 103 has not been made out and that, therefore, claims 10 and 11 are further patentable over Carlson.

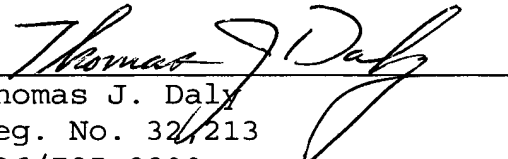


Appln No. 10/776,073  
Amdt date July 12, 2005  
Reply to Office action of April 21, 2005

CONCLUSION

In view of the foregoing amendments and remarks, pending claims 1, 2, 4-14 and 17 are in condition for allowance and, accordingly, a timely indication thereof is respectfully requested.

Respectfully submitted,  
CHRISTIE, PARKER & HALE, LLP

By   
Thomas J. Daly  
Reg. No. 32,213  
626/795-9900

TJD/ntl  
PAS630970.1

JMP PAS630970.1--07/12/05 2:35 PM